

United States District Court
for
Middle District of Tennessee

Petition to Modify the Condition or Term of Supervision
(Probation Form 49 Waiver of Hearing on the Modification is attached)

Name of Offender: Jacob David Lauth Case Number: 3:10-00107-01
Name of Sentencing Judicial Officer: Honorable Roger T. Benitez, U.S. District Judge, SDCA
Name of Current Judicial Officer: Honorable Aleta A. Trauger, U.S. District Judge
Date of Original Sentence: March 2, 2009
Original Offense: 21 U.S.C. § 952 and 960, Importation of Marijuana; and 18 U.S.C. § 2, Aiding and Abetting
Original Sentence: 33 months' custody and 5 years' supervised release
Type of Supervision: Supervised Release Date Supervision Commenced: August 14, 2009
Assistant U.S. Attorney: To be determined Defense Attorney: To be determined

PETITIONING THE COURT

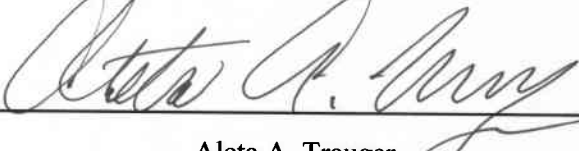
- To modify the release conditions as follows:

The defendant shall abstain from the use of alcohol and/or all intoxicants during the term of his supervised release.

THE COURT ORDERS:

- ☐ No Action
☐ The extension of supervision as noted above.
☒ The modification(s) as noted above.
☐ Other

Considered this 26th day of April, 2013,
and made a part of the records in the above case.


Aleta A. Trauger
U.S. District Judge

I declare under penalty of perjury that
the foregoing is true and correct.
Respectfully submitted,



Amanda M. Russell
U.S. Probation Officer

Place Cookeville, Tennessee

Date April 26, 2013

ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No. Nature of Noncompliance

1. **The defendant shall not commit another federal, state, or local crime.**

On April 15, 2013, Mr. Lutt was arrested by the Tennessee Highway Patrol in Monterey, Tennessee, and charged with Driving Under the Influence- 2nd offense, Driving on Suspended/Revoked License, Failure to Exercise Due Care, and No Proof of Insurance. These are misdemeanor charges and the arrest affidavits are attached for Your Honor's review. Mr. Lutt has been released on bond and is due in the Putnam County General Sessions Court on May 17, 2013.

According to the reports, Mr. Lutt was involved in a motor vehicle accident in the late evening of April 14, 2013. A Tennessee Highway Patrol officer was dispatched to Hanging Limb Highway in reference to a one-vehicle crash. The officer arrived, identified Mr. Lutt as the driver, and observed him to have red, watery eyes and an odor about him associated with an alcoholic beverage. Mr. Lutt was asked to perform six field sobriety tasks, which he failed to successfully complete. Mr. Lutt was advised of the implied consent law and he agreed to submit to a chemical test to determine the amount of alcohol and/or drugs in his system. A records check of Mr. Lutt's driver's license revealed that his license was revoked for Driving Under the Influence in Wilson County on May 29, 2004.

On April 16, 2013, Mr. Lutt contacted the probation officer to notify her of his law enforcement contact and arrest. Mr. Lutt reported that he began drinking beer at approximately 7:00p.m. April 14, 2013. Sometime around 11:30p.m., he decided to go to a local market and get a cheeseburger and drove his wife's Jeep Cherokee. Mr. Lutt reported that he ran off the road into a ditch while reaching over to get something in the vehicle. He called a tow company to pull the Jeep out of the ditch and then decided to call the sheriff's department in Putnam County to report a single car wreck with no injuries. Mr. Lutt reported he did not want a deputy to drive by and think someone was hurt in the wreck, as he had suffered no injuries. He reported the Putnam County Sheriff's Department sent out the Tennessee Highway Patrol since the wreck occurred on a state highway. When the officer arrived, he smelled alcohol on Mr. Lutt, asked him to perform field sobriety tests, and was told he failed the Breathalyzer test. Mr. Lutt did agree to submit to a blood alcohol test.

On April 17, 2013, Mr. Lutt met with the probation officer as instructed. He admitted that he drank a six-pack the evening of April 14, 2013, and just wanted to go down the road to get something to eat. Mr. Lutt reported that he drinks a six-pack of beer two to three times per week and his alcohol consumption was occasional but has developed into excessive. Mr. Lutt agreed that he needed substance abuse treatment and would comply with any recommendations from the treatment provider and probation officer.

Compliance with Supervision Conditions and Prior Interventions:

Jacob Lutt began his term of supervised release on August 14, 2009, and is due to expire on August 13, 2013. He currently resides with his wife and children in Monterey, Tennessee, and is employed by Stonepeak Ceramics in Crossville.

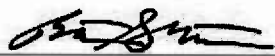
The probation officer verbally reprimanded Mr. Lutt for violating his conditions of supervised release and warned him of the ramifications of his actions. He was specifically instructed to not commit another local, state, or federal crime, and to abstain from the use of alcohol. Mr. Lutt was referred to Plateau Mental

Health Center in Cookeville, Tennessee, in August 2009, for a substance abuse assessment. He participated in recommended outpatient treatment and was successfully discharged in June 2010. Mr. Lutt has been referred back to Plateau Mental Health Center for outpatient substance abuse treatment.

On April 17, 2013, a waiver of hearing form to modify the conditions of his supervised release was thoroughly explained to Mr. Lutt and he stated he understood his rights to representation by counsel and to a hearing. Mr. Lutt voluntarily signed the waiver to modify the conditions of his supervised release.

U.S. Probation Officer Recommendation:

It is recommended that Mr. Lutt's special conditions be modified as indicated in the petition. The U.S. Attorney's Office has been advised of the offender's noncompliance and the probation officer's recommendation for modification of the release conditions.

Approved: 
Britton Shelton
Supervisory U.S. Probation Officer

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall abstain from the use of alcohol and/or all other intoxicants during the term of his supervised release.

Witness:



Amanda M. Russell
U.S. Probation Officer

Signed:



Jacob David Lautt
Probationer or Supervised Releasee

April 17, 2013

Date

AFFIDAVIT OF COMPLAINT

Case No:

IN THE GENERAL SESSIONS COURT OF PUTNAM COUNTY

Defendant(s) (Name and Address)

DOB: 06/01/1979

STATE OF TENNESSEE VS. **Jacob David Lutt**
160 Berry Field Rd
Monterey, TN 38514

SS#: 563597065

DL#: 083778041

DL ST: TN

The undersigned affiant, after being duly sworn according to law, states that the above named defendant, whose name is otherwise unknown to the affiant, committed the offense of TCA 55-50-504, which is Suspended Or Revoked Drivers License, in PUTNAM County on or about 04/15/2013. Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

Jacob David Lutt Has committed the offense of driving on suspended revoked license by being in control of a motor vehicle while drivers license was suspended or revoked. Affiant was investigating a one vehicle traffic crash on Hanging Limb highway and found defendant to be the driver. A records check of defendants driver license revealed that the defendant's license was revoked for Driving Under The Influence in Wilson County on 5/29/2004. said offense occurred in putnam county, Tennessee.

Affiants - Name Address, Telephone#

Al Seitner

Tennessee Highway Patrol

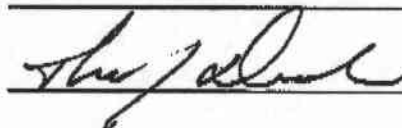
Telephone #: 931-528-8496

Affiant Signature: 

Sworn to and subscribed before me this: 04/15/2013

Tom Derricks

J.C. Name



Judicial Commissioner

STATE OF TENNESSEE ARREST WARRANT

Prosecutor notified:

Date:

By Officer:

IN THE GENERAL SESSIONS COURT OF PUTNAM COUNTY**STATE OF TENNESSEE VS. JACOB DAVID LAUTT**

TO ANY LAWFUL OFFICER OF THE STATE:

Based upon the affidavit(s) of complaint made and sworn to before me by: Al Seitner, there is probable cause to believe that the offense(s) of 55-50-504 - Suspended Or Revoked Drivers License has been committed in PUTNAM County, Tennessee and charging JACOB DAVID LAUTT thereof, you are therefore commanded in the name of the State of Tennessee forthwith to arrest and bring the said accused person before the Court of General Sessions of PUTNAM County, Tennessee, to answer the said charges.

04/15/2013



Judge - Judicial Commissioner

Reason:

AFFIDAVIT OF COMPLAINT

Case No:

IN THE GENERAL SESSIONS COURT OF PUTNAM COUNTY

Defendant(s) (Name and Address)

STATE OF TENNESSEE VS. **Jacob David Lautt**
160 Berry Field Rd
Monterey, TN 38514

DOB: 06/01/1979

SS#: 563597065

DL#: 083778041

DL ST: TN

The undersigned affiant, after being duly sworn according to law, states that the above named defendant, whose name is otherwise unknown to the affiant, committed the offense of TCA 55-10-401, which is Driving Under The Influence, in PUTNAM County on or about 04/15/2013. Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

Jacob David Lautt Committed the offense of driving under the influence by being in control of a motor vehicle while under the influence of some intoxicating beverage and or any intoxicant, marijuana, controlled substance, drug substance affecting the central nervous system or combination thereof that impairs the drivers ability to safely operate a motor vehicle. Affiant was dispatched to Hanging Limb Highway in reference t a one vehicle traffic crash . The affiant arrived and identified the defendant as the driver. The affiant observed that the defendant had red watery eyes and an odor about the defendant that the affiant associated with an alcoholic beverage. The defendant was asked to perform six field sobriety tasks and failed to successfully complete all of the tasks. The defendant was also advised of the implied consent law and agreed to submit to a chemical test to determine the amount of alcohol and or drugs in the defendant's system. Said offense occurred in Putnam County, Tennessee.
DUI in Wilson county on 5/29/2004

Affiants - Name Address, Telephone#

Al Seitner

Tennessee Highway Patrol

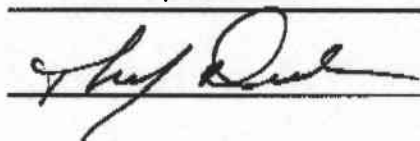
Telephone #: 931-528-8496

Affiant Signature: 

Sworn to and subscribed before me this: 04/15/2013

Tom Derriks

J.C. Name



Judicial Commissioner

STATE OF TENNESSEE ARREST WARRANT

Prosecutor notified:

Date:

By Officer:

IN THE GENERAL SESSIONS COURT OF PUTNAM COUNTY**STATE OF TENNESSEE VS. JACOB DAVID LAUTT****TO ANY LAWFUL OFFICER OF THE STATE:**

Based upon the affidavit(s) of complaint made and sworn to before me by: Al Seitner, there is probable cause to believe that the offense(s) of 55-10-401 - Driving Under The Influence has been committed in PUTNAM County, Tennessee and charging JACOB DAVID LAUTT hereof, you are therefore commanded in the name of the State of Tennessee forthwith to arrest and bring the said accused person before the Court of General Sessions of PUTNAM County, Tennessee, to answer the said charges.

04/15/2013


Judge - Judicial Commissioner

Reason: 7 - THE PERSON ARRESTED IS SO INTOXICATED THAT THE PERSON COULD BE A DANGER TO THE PERSONS OWN SELF OR TO OTHERS.

THE NUMBER OF VIOLATIONS THIS CITATION: 2 MOVING + 2 NON-MOVING = 2 TOTAL (MAX. 5)

V564650

THE UNDERSIGNED BEING DULY SWORN UPON HIS/HER OATH DEPOSES:

ON <u>Mon</u> THE <u>15</u> DAY OF <u>April</u> 20 <u>13</u>	TIME <u>0045</u> P.M.	SEX <u>M</u>	RACE <u>W</u>	TN RES <u>YES</u>	YES <u>X</u>
NAME <u>Jacob David Leutt</u>			MONTH <u>6</u>	DAY <u>1</u>	YEAR <u>1979</u>
ADDRESS <u>160 Berry Road - Lefield Rd.</u>			CITY <u>Monterey</u>	STATE <u>TN</u>	ZIP CODE <u>38574</u>
SOCIAL SECURITY NUMBER		DRIVER'S LICENSE NUMBER <u>083778041</u>	DL CLASS <u>ID</u>	CDL <u>X</u>	STATE <u>TN</u>
		MONTH <u>6</u>	DAY <u>1</u>	YEAR <u>2014</u>	

Motorcycle	CRASH OCCURRED: <u>Y</u>	MAKE <u>Jeep</u>	MODEL <u>LRO</u>	YEAR <u>1999</u>	COLOR <u>White</u>																				
Automobile <u>X</u>	<u>X</u>	LICENSE PLATE NO. <u>3047MT</u>	STATE <u>TN</u>	EXP. YEAR <u>3/2014</u>																					
CMV	OTHER VEH. INVOLVED? <u>Y</u>	Was this vehicle registered to driver? <u>Y</u>	IF NO, THEN: <u>Patricia Sharp</u>	BUSINESS ADDRESS <u>Cookeville TN.</u>																					
Other	<u>X</u>	DESIGNED TO TRANSPORT <u>Y</u>	Under 26,000 Lbs. <u>Y</u>	Hazmat <u>N</u>	U.S. D.O.T. NO.																				
		16 OR MORE PASSENGERS <u>N</u>	Over 26,000 Lbs. <u>Y</u>																						
If Other, What Type:																									
UPON STREET/HWY	MM	CITY/COUNTY	DIRECTION																						
<u>Hanging Limb Rd/SR164</u>		<u>Putnam</u>	<table border="1"> <tr> <td>2-L</td> <td>3</td> <td>4</td> <td>5</td> <td>6</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> <tr> <td>6</td> <td>5</td> <td>4</td> <td>3</td> <td>2</td> </tr> <tr> <td>5</td> <td>4</td> <td>3</td> <td>2</td> <td>1</td> </tr> </table>			2-L	3	4	5	6	1	2	3	4	5	6	5	4	3	2	5	4	3	2	1
2-L	3	4	5	6																					
1	2	3	4	5																					
6	5	4	3	2																					
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AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):					
A	TCA 55-8- <u>SPEDING</u>	MPH IN <u>002</u>	ZONE <u>H</u>	CONSTRUCTION ZONE: <u>Y</u>	OTHER 04
B	TCA 55-10-205			WORKERS PRESENT <u>Y</u>	LASER 05
C	TCA 55-8- <u>RECKLESS DRIVING</u>			RADAR PACING <u>02</u>	
D	TCA 55-8- <u>IMPROPER PASSING</u>				
E	TCA 55-8- <u>DL VOL.</u>				
F	TCA 55-8- <u>OPEN CONTAINER</u>				
G	TCA 55-8- <u>WINDOW TINT</u>				
H	TCA 55-8- <u>CHILD RESTRAINT DEVICE</u>				
I	TCA 55-8- <u>HOV LANE VIOLATION</u>				
J	TCA 55-8- <u>LIGHT LAW</u>				
K	TCA 55-8- <u>FINANCIAL RESPONSIBILITY</u>				
L	TCA 55-8- <u>OTHER 1</u>				
M	TCA 55-8- <u>OTHER 2</u>				

NARRATIVE	<u>(X) No proof of Insurance</u>
	<u>(Y) One vehicle crash/Ran off Right Side of Road into Ditch.</u>

THE UNDERSIGNED FURTHER STATES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE(S) HEREIN SET FORTH, CONTRARY TO LAW.	ID# <u>01R59</u>
THIS <u>15</u> DAY OF <u>April</u> 20 <u>13</u>	<u>996</u>
RANK <u>Trp A. Seitzer</u>	OFFICER NAME (PRINT)
BADGE NO.	
HAVING BEEN DULY SWORN, I DO HEREBY ATTEST THAT THE ABOVE IS A COMPLETE COPY OF THE ORIGINAL CITATION, AND THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.	
SWORN AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 20 _____	
SIGNATURE OF OFFICER <u>Trp A.</u>	
JUDGE/CLERK	

COURT	IN THE <u>6</u>	GENERAL SESSIONS COURT OF: <u>Putnam</u>	NO. <u>71</u>	CITY <u>Cookeville</u>	NO. <u>03</u>
		JUVENILE COURT OF:			
		OTHER			
		OF:			
		ON <u>Friday</u> THE <u>17</u> DAY OF <u>May</u>	20 <u>13</u>	TIME <u>900</u>	PM <u>X</u>

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED TO THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE OF ELEVEN (11) MONTHS TWENTY-NINE (29) DAYS AND /OR A FINE UP TO TWO THOUSAND FIVE HUNDRED DOLLARS (2,500).

I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

VIOLATOR'S SIGNATURE

SF 1176 (Rev. 10/11)

TOTAL P.03